

Translation

**PATENT COOPERATION TREATY**  
**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>521-0002</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/JP2004/000289</b>	International filing date ( <i>day/month/year</i> ) <b>16.01.2004</b>	Priority date ( <i>day/month/year</i> ) <b>16.01.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>A61H 5/00, A61F 9/00</b>		
Applicant <b>HORIE, Hidenori</b>		

<ol style="list-style-type: none"> <li>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</li> <li>2. This REPORT consists of a total of <u>10</u> sheets, including this cover sheet.</li> <li>3. This report is also accompanied by ANNEXES, comprising:                     <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:                             <table border="0" style="width: 100%;"> <tr> <td style="width: 15%;"><input type="checkbox"/></td> <td>sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</td> </tr> <tr> <td><input type="checkbox"/></td> <td>sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</td> </tr> </table> </li> <li>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</li> </ol> </li> </ol>		<input type="checkbox"/>	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	<input type="checkbox"/>	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.												
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<ol style="list-style-type: none"> <li>4. This report contains indications relating to the following items:                     <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td>Box No. I Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table> </li> </ol>		<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT / JP2004/000289

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:  
pages \_\_\_\_\_ as originally filed/furnished  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:  
nos. \_\_\_\_\_ as originally filed/furnished  
nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:  
sheets \_\_\_\_\_ as originally filed/furnished  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages \_\_\_\_\_
- the claims, nos. \_\_\_\_\_
- the drawings, sheets/figs \_\_\_\_\_
- the sequence listing (*specify*): \_\_\_\_\_
- any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages \_\_\_\_\_
- the claims, nos. \_\_\_\_\_
- the drawings, sheets/figs \_\_\_\_\_
- the sequence listing (*specify*): \_\_\_\_\_
- any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	<b>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>		
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## 1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

Document 1: JP 8-257078 A (Minolta Co., Ltd.), 08 October 1996, entire text, all drawings, (Family: none)

Document 2: JP 9-47479 A (Sony Corp.), 18 February 1997, paragraph [0061] and all drawings, (Family: none)

Document 3: Microfilm of the specification and drawings annexe to the request of Japanese Utility Model Application No. 31199/1986 (Laid-open No. 142326/1987) (Yoshihisa MURAO), 08 September 1987, description, page 7, 1st line from the bottom to page 8, line 6 and fig. 6; and description, page 8, line 10 to page 12, line 1 and all drawings, (Family: none)

Document 4: JP 2002-336317 A (Eye-Vit Co., Ltd.), 26 November 2002, paragraphs [0025] to [0029] and all drawings; and paragraph [0024] and fig. 5, & WO 02/91983 A1

Document 5: JP 2000-116600 A (Canon Inc.), 25 April 2000, paragraphs [0018] to [0019] and fig. 8, (Family: none)

Document 6: JP 7-51333 A (Kabushiki Kaisha Gurin Gurasu),

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28 February 1995, paragraph [0020] and fig.

5, (Family: none)

**Claim 1**

Document 2 (paragraphs [0061] to [0062]) discloses a feature wherein the size of the target does not change between the far field of view and the near field of view, and discloses an eyesight improving device that is equipped with an ocular part; a target that is capable of displaying an appropriate figure, which is visible from the aforementioned ocular part; a target moving means for moving the aforementioned target between a far point, which is a prescribed distance from the aforementioned ocular part, and a near point, which is a prescribed distance from the aforementioned ocular part, at an appropriate speed; and a display control means for changing the size of the figure that is displayed upon the aforementioned target in proportion to the distance between the aforementioned target and the aforementioned ocular part.

**Claim 2**

Document 2 (paragraphs [0061] to [0062]) discloses an eyesight improving device that is equipped with an ocular part; a target that is capable of displaying an appropriate figure, which is visible from the aforementioned ocular part; a target moving means for moving the aforementioned target between a far point, which is a prescribed distance from the aforementioned ocular part, and a near point, which is a prescribed distance from the aforementioned ocular part, at an appropriate speed; and a display control means for

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changing the size of the figure that is displayed upon the aforementioned target in proportion to the distance between the aforementioned target and the aforementioned ocular part. Meanwhile, document 1 (paragraph [0028] and document 2 (paragraphs [0021] to [0022] disclose eyesight improving devices that are provided with two ocular parts.

On the other hand, document 3 (page 7, 1st line from the bottom to page 8, line 6) discloses an eyesight improving device that is provided with a shutter means for blocking the view of the target; therefore, it is not considered to be especially difficult to provide a shutter means for blocking the view of the target in the eyesight improving device that is disclosed in document 1 or document 2.

### Claim 3

Document 2 (paragraphs [0061] to [0062]) discloses an eyesight improving device that is equipped with an ocular part; a target that is capable of displaying an appropriate figure, which is visible from the aforementioned ocular part; a target moving means for moving the aforementioned target between a far point, which is a prescribed distance from the aforementioned ocular part, and a near point, which is a prescribed distance from the aforementioned ocular part, at an appropriate speed; and a display control means for changing the size of the figure that is displayed upon the aforementioned target in proportion to the distance between the aforementioned target and the aforementioned ocular part.

On the other hand, document 1 (paragraph [0027]) and

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document 2 (paragraphs [0030] to [0031]) disclose eyesight improving devices wherein the target is provided with an electronic display means for displaying a figure which is visible from the ocular parts. Therefore, it is not considered to be especially difficult to provide an electronic display means as the means for displaying a figure.

## Claims 4 to 6

Document 2 (paragraphs [0061] to [0062]) discloses an eyesight improving device that is equipped with an ocular part; a target that is capable of displaying an appropriate figure, which is visible from the aforementioned ocular part; a target moving means for moving the aforementioned target between a far point, which is a prescribed distance from the aforementioned ocular part, and a near point, which is a prescribed distance from the aforementioned ocular part, at an appropriate speed; and a display control means for changing the size of the figure that is displayed upon the aforementioned target in proportion to the distance between the aforementioned target and the aforementioned ocular part. Meanwhile, document 1 (paragraphs [0064] to [0066]) and document 2 (paragraphs [0033] to [0034]) disclose eyesight improving devices wherein the target moving means employs a drive means in order to move the target.

On the other hand, document 4 (paragraphs [0025] to [0029]) discloses an eyesight improving device wherein the drive means is capable of changing the speed at which the target is moved.

Therefore, it is not considered to be especially

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

difficult to change the speed at which the target is moved in the eyesight improving device that is disclosed in document 1 or document 2.

#### Claim 7

Document 2 (paragraphs [0061] to [0062]) discloses an eyesight improving device that is equipped with an ocular part; a target that is capable of displaying an appropriate figure, which is visible from the aforementioned ocular part; a target moving means for moving the aforementioned target between a far point, which is a prescribed distance from the aforementioned ocular part, and a near point, which is a prescribed distance from the aforementioned ocular part, at an appropriate speed; and a display control means for changing the size of the figure that is displayed upon the aforementioned target in proportion to the distance between the aforementioned target and the aforementioned ocular part.

In addition, document 1 (paragraph [0067]) and document 2 (paragraph [0089]) disclose eyesight improving devices wherein the ocular part is provided with a lens, and it is not considered to be especially difficult to delimit that the lens that is provided to the ocular part be a convex lens.

#### Claim 8

Document 2 (paragraphs [0061] to [0062]) discloses an eyesight improving device that is equipped with an ocular part; a target that is capable of displaying an appropriate figure, which is visible from the

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aforementioned ocular part; a target moving means for moving the aforementioned target between a far point, which is a prescribed distance from the aforementioned ocular part, and a near point, which is a prescribed distance from the aforementioned ocular part, at an appropriate speed; and a display control means for changing the size of the figure that is displayed upon the aforementioned target in proportion to the distance between the aforementioned target and the aforementioned ocular part.

On the other hand, document 3 (page 8, line 10 to page 12, line 1) discloses an eyesight improving device with a configuration wherein the target faces in the same direction as the aforementioned ocular part; a reflection means is provided so as to face the aforementioned target and the aforementioned ocular part; a means for moving the reflection means, which moves the aforementioned reflection means between two prescribed points at an appropriate speed, is substituted for the aforementioned target moving means; and the light which is emitted from the aforementioned target is reflected by the reflection means so that it enters the aforementioned ocular section.

Therefore, it is not considered to be especially difficult to provide the means for moving the reflection means, which moves the aforementioned reflection means at an appropriate speed, in the eyesight improving device that is disclosed in document 1 or document 2.

**Claim 9**

Document 2 (paragraphs [0061] to [0062]) discloses an eyesight improving device that is equipped with an ocular part; a target that is capable of displaying an

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appropriate figure, which is visible from the aforementioned ocular part; a target moving means for moving the aforementioned target between a far point, which is a prescribed distance from the aforementioned ocular part, and a near point, which is a prescribed distance from the aforementioned ocular part, at an appropriate speed; and a display control means for changing the size of the figure that is displayed upon the aforementioned target in proportion to the distance between the aforementioned target and the aforementioned ocular part.

On the other hand, document 5 (paragraphs [0018] and [0019]) discloses an eyesight improving device which is equipped with an electronic display means that is capable of displaying an appropriate figure, a distance measurement means for measuring the distance to a user, and a display control means for changing the size of the figure that is displayed upon the aforementioned electronic display means in proportion to the distance to the aforementioned user.

Therefore, it is not considered to be especially difficult to provide a distance measurement means for measuring the distance to a user and a display control means for changing the size of the figure that is displayed upon the aforementioned electronic display means in proportion to the distance to the aforementioned user in the eyesight improving device that is disclosed in document 1 or document 2.

#### Claims 10 to 14

Document 2 (paragraphs [0061] to [0062]) discloses an eyesight improving device that is equipped with an

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ocular part; a target that is capable of displaying an appropriate figure, which is visible from the aforementioned ocular part; a target moving means for moving the aforementioned target between a far point, which is a prescribed distance from the aforementioned ocular part, and a near point, which is a prescribed distance from the aforementioned ocular part, at an appropriate speed; and a display control means for changing the size of the figure that is displayed upon the aforementioned target in proportion to the distance between the aforementioned target and the aforementioned ocular part.

On the other hand, it is thought that the color of the figure, the form of the figure, the size of the figure, the color of the background and the like could be selected, as appropriate.

Furthermore, document 6 (paragraph [0024]) discloses an eyesight improving device wherein the figure is displayed in red, green or blue, whereas document 7 (paragraph [0020]) discloses an eyesight improving device wherein the figure is displayed in white, while the background behind the figure is displayed in black.